

AMENDED IN SENATE JUNE 17, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1689

Introduced by Assembly Member Torres

January 26, 2010

An act to amend Sections 6002, 6003, 6020, 6023, 6024, 6041, 6042, 6080, 6082, 6101, 6105, 6108, 6122, 6145, 6160, 6180, 6240, 6241, and 6950 of, to repeal Sections 6004, 6005, 6021, 6086, 6087, and 6100 of, *to add and repeal Section 7110 of, and* to repeal Article 11 (commencing with Section 6200) of Chapter 1 of Part 1 of Division 6 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1689, as amended, Torres. Elections: Democratic Party.

~~(1) Existing~~

Existing law, the Alquist Open Presidential Primary Act, specifies procedures for the selection of delegates and alternates to represent the state at the national convention of the Democratic Party to nominate a candidate for President of the United States. Under the act, participation in the delegate selection process is restricted to Democratic voters only who publicly declare their party preference as Democratic supporters and whose affidavits of registration declare the Democratic Party as their party affiliation. The delegates are required to be selected from each congressional district based on a specified formula.

This bill would generally require that the elements and practices to select delegates and alternates be the same as set forth in the standing rules and bylaws of the Democratic National Committee and the Democratic Party of California. The bill would expand participation in the delegate selection process to a voter who declined to state a party

affiliation but requested to vote the ballot of the Democratic Party at the partisan primary election and would, instead, require that the delegates and alternates be selected from districts based on a formula adopted by the Democratic Party of California in compliance with the standing rules and bylaws of the Democratic National Committee. The bill would also revise timeframes for certain procedures of the Secretary of State relating to presidential primary elections.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6002 of the Elections Code is amended
2 to read:
3 6002. (a) This chapter applies both to the selection of delegates
4 and alternates pledged to the candidacy of a particular candidate
5 and to the selection of delegates and alternates not expressing a
6 preference for a particular candidate.
7 (b) Except as otherwise specified in this chapter, the elements
8 and practices to select delegates and alternates shall be the same
9 as set forth in the standing rules and bylaws of the Democratic
10 National Committee and the Democratic Party of California,
11 including the following:
12 (1) The form and timeline for any required statement of
13 candidacy for delegate candidates.
14 (2) The identification of the presidential preference of delegate
15 candidates.
16 (3) The schedule for, conduct of, and type of districts used to
17 organize, caucuses for the selection of district delegate and alternate
18 candidates.
19 (4) The selection of delegates and alternates other than those
20 elected based on the results of district caucuses.
21 (5) The allocation of delegates and alternates to presidential
22 preferences based on the results of the primary election.
23 (6) Any other goals relating to the composition of the delegation.
24 (c) The Democratic Party of California shall post any standing
25 rules and bylaws relating to this chapter on its Internet Web site.
26 SEC. 2. Section 6003 of the Elections Code is amended to read:
27 6003. Participation in the delegate selection process in
28 primaries shall be restricted to voters whose affidavits of

1 registration declare the Democratic Party as their party affiliation
2 and any other voter authorized under subdivision (c) of Section
3 13102.

4 SEC. 3. Section 6004 of the Elections Code is repealed.

5 SEC. 4. Section 6005 of the Elections Code is repealed.

6 SEC. 5. Section 6020 of the Elections Code is amended to read:

7 6020. (a) The Chairperson of the Democratic State Central
8 Committee shall notify the Secretary of State on or before the
9 120th day preceding the presidential primary as to the number of
10 delegates and alternates to represent the state in the next national
11 convention of the Democratic Party.

12 (b) The chairperson shall also notify the Secretary of State at
13 the time prescribed in subdivision (a) as to the type of districts that
14 may be used to select delegates and the number of delegates that
15 may be selected from each district in connection with the
16 presidential primary. The number of delegates and alternates that
17 may be selected from each district shall be based on a formula
18 adopted by the Democratic Party of California in compliance with
19 the standing rules and bylaws of the Democratic National
20 Committee for the national convention where the nominee of the
21 Democratic Party for President of the United States will be
22 selected.

23 SEC. 6. Section 6021 of the Elections Code is repealed.

24 SEC. 7. Section 6023 of the Elections Code is amended to read:

25 6023. The notification of the number of delegates and alternate
26 delegates shall be in substantially the following form:

27
28 Statement of Number of Delegates and Alternate Delegates to
29 Democratic National Convention and of Number of Delegates and
30 Alternate Delegates to Be Selected from ____ Districts

31
32
33
34 To the Secretary of State
35 Sacramento, California

36
37 You are hereby notified that the number of delegates and
38 alternate delegates to represent the State of California in the next
39 national convention of the Democratic Party is ____.

1 You are hereby notified that the number of delegates which may
2 be selected from all ____ districts as a part of the delegation to the
3 national convention of the Democratic Party is as follows:

4
5 District No. 1. ____ delegates ____ alternates.

6 District No. 2. ____ delegates ____ alternates.

7 District No. 3. ____ delegates ____ alternates.

8 (Followed by the remaining districts).

9
10 You are hereby notified that the categories and number of
11 delegates, other than those selected by ____ districts, are as
12 follows:

13 Category _____. ____ Delegates. ____ Alternates.

14 (Followed by the remaining categories and number of delegates
15 and alternates).

16
17 Dated this ____ day of ____, 20__.

18
19 _____
20 Chairperson of the State Central Committee of the
21 Democratic Party.
22

23 SEC. 8. Section 6024 of the Elections Code is amended to read:
24 6024. If the Chairperson of the Democratic State Central
25 Committee fails to file the notice required by Section 6020 with
26 the Secretary of State, the Secretary of State shall ascertain the
27 total number of delegates from the call for the national convention
28 issued by the Democratic National Committee and shall compute
29 the number of delegates that may be selected from each district
30 based on a formula specified by the Democratic National
31 Committee.

32 SEC. 9. Section 6041 of the Elections Code is amended to read:
33 6041. The Secretary of State shall place the name of a candidate
34 upon the presidential primary ballot when he or she has determined
35 that the candidate is generally advocated for or recognized
36 throughout the United States or California as actively seeking the
37 nomination of the Democratic Party for President of the United
38 States. The Secretary of State shall include as criteria for selecting
39 candidates the fact of qualifying for funding under the Federal
40 Elections Campaign Act of 1974, as amended.

1 Between the 150th day and the 68th day preceding a presidential
2 primary election, the Secretary of State shall publicly announce
3 and distribute to the news media for publication a list of the
4 selected candidates that he or she intends to place on the ballot at
5 the following presidential primary election.

6 SEC. 10. Section 6042 of the Elections Code is amended to
7 read:

8 6042. When the Secretary of State decides to place the name
9 of a candidate on the ballot pursuant to Section 6041, he or she
10 shall notify the candidate that the candidate's name will appear on
11 the ballot of this state in the presidential primary election.

12 The secretary shall also notify the candidate that the candidate
13 may withdraw his or her name from the list of recognized
14 candidates by filing with the Secretary of State an affidavit pursuant
15 to Section 6043 no later than the 68th day before the presidential
16 primary election.

17 SEC. 11. Section 6080 of the Elections Code is amended to
18 read:

19 6080. Each candidate who seeks to qualify under Article 4
20 (commencing with Section 6060) and each group proposing an
21 uncommitted delegation shall appoint a steering committee of
22 seven members and shall appoint one of the members to serve as
23 the chairperson.

24 SEC. 12. Section 6082 of the Elections Code is amended to
25 read:

26 6082. Each steering committee shall be responsible for the
27 circulation of nomination papers of candidates who seek to qualify
28 under Article 4 (commencing with Section 6060) and groups
29 proposing uncommitted delegations.

30 SEC. 13. Section 6086 of the Elections Code is repealed.

31 SEC. 14. Section 6087 of the Elections Code is repealed.

32 SEC. 15. Section 6100 of the Elections Code is repealed.

33 SEC. 16. Section 6101 of the Elections Code is amended to
34 read:

35 6101. Nomination papers to be circulated pursuant to Section
36 6061 shall be prepared, circulated, signed, and verified and shall
37 be left for examination with the county elections official of the
38 county in which they are circulated at least 73 days prior to the
39 presidential primary election.

SEC. 17. Section 6105 of the Elections Code is amended to read:

6105. Any nomination paper may be presented in sections. Each section shall contain the name of the candidate or chairperson of the steering committee in the case of uncommitted delegations. Each section shall bear the name of the county in which it is circulated. Only voters of the county whose affidavits of registration declare the Democratic Party as their party affiliation are competent to sign.

SEC. 18. Section 6108 of the Elections Code is amended to read:

6108. The nomination paper for the presidential primary ballot shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON
BEHALF OF A PRESIDENTIAL CANDIDATE OR
UNCOMMITTED DELEGATE

Section ____ Page _

County of _____. Nomination paper of a candidate or uncommitted delegation for the presidential primary ballot.

State of California }
County of _____ } ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the County of _____, State of California, and am registered as affiliated with the Democratic Party. I hereby nominate _____ for the presidential primary to be held on the _____ day of _____, 20____. I have not signed the nomination paper of any other candidate or uncommitted delegation, and I further declare that I intend to support the candidate or uncommitted delegation named herein.

Number	Signature	Printed name	Residence
--------	-----------	--------------	-----------

- 1 _____
2 1. _____
3 2. _____
4 3. _____
5 etc. _____
6 _____

7
8 CIRCULATOR'S AFFIDAVIT
9

10 I, _____, solemnly swear (or affirm) that I secured signatures in the County
11 of _____ to the nomination paper of a candidate or uncommitted delegation for
12 the presidential primary ballot named in the signer's statement above; that all
13 the signatures on this section of the nomination paper numbered from 1 to _____,
14 inclusive, were made in my presence, and that to the best of my knowledge
15 and belief each signature is the genuine signature of the person whose name
16 it purports to be. The signatures were obtained between _____, 20____, and _____,
17 20____.

18 (Signed) _____

19 Circulator

20 Subscribed and sworn to before me this _____ day of _____, 20____.

21
22 (SEAL)

Notary Public (or other official)

23
24 SEC. 19. Section 6122 of the Elections Code is amended to
25 read:

26 6122. Circulators may obtain signatures to the nomination
27 paper for which they were appointed at any time between the period
28 of 130 days and 73 days, inclusive, prior to the presidential primary
29 election.

30 SEC. 20. Section 6145 of the Elections Code is amended to
31 read:

32 6145. The county elections official's certificate to nomination
33 papers shall be in substantially the following form:

34
35 Certificate of County Elections Official to Nomination Papers
36

37 To the Secretary of State:

38 I, Elections Official of the County of _____, hereby certify that
39 I have examined the nomination papers to which this certificate is
40 attached, of the candidate or uncommitted delegation, as the case

1 may be, for purposes of qualifying for placement on the ballot at the
2 ensuing presidential primary, that the number of names which I have
3 not marked “not sufficient” is ____.

4 Dated this ____ day of ____, 20__.

5 _____, County Elections Official

6
7 (SEAL) By _____, Deputy

8
9 SEC. 21. Section 6160 of the Elections Code is amended to
10 read:

11 6160. At least 68 days before a presidential primary, the
12 Secretary of State shall notify each steering committee whether or
13 not it has qualified a candidate or uncommitted delegation for
14 placement on the ballot pursuant to Section 6060.

15 SEC. 22. Section 6180 of the Elections Code is amended to
16 read:

17 6180. At least 68 days before a presidential primary election,
18 the Secretary of State shall transmit to each county elections official
19 a certified list containing the name of each candidate who is entitled
20 to be voted for on the ballot at the presidential primary, and the
21 name of each chairperson of a steering committee of an
22 uncommitted delegation who is to be voted for on the same ballot.

23 The certified list shall be in substantially the following form:

24
25 Certified List of Presidential Candidates and Uncommitted Delegations

26
27 To the County Elections Official of ____ County:

28 I, ____, Secretary of State, do hereby certify that the following list contains
29 the name of each person who is entitled to be voted for as a candidate of the
30 Democratic Party at the presidential primary election to be held on the ____
31 day of ____, 20__, and the name of each chairperson of a steering committee
32 of an uncommitted delegation which is entitled to be voted for on the ballot.

33
34 List of Presidential Candidates and Uncommitted Delegations

35
36 Linda Adams
37 Joseph Black
38 John Reardon
39 Unpledged delegation
40 Paul Minor,

Chairperson

Dated at Sacramento, California, this ____ day of ____, 20__.

(SEAL)

Secretary of State

SEC. 23. Article 11 (commencing with Section 6200) of Chapter 1 of Part 1 of Division 6 of the Elections Code is repealed.

SEC. 24. Section 6240 of the Elections Code is amended to read:

6240. Notwithstanding any other provision of law, a space shall be provided on the presidential primary ballot for a voter to write in the name of a candidate for nomination by the Democratic Party for President of the United States.

SEC. 25. Section 6241 of the Elections Code is amended to read:

6241. Any person who believes his or her name may be used as a write-in candidate for nomination by the Democratic Party for President of the United States shall, not later than 21 days before the primary election, file for endorsement of his or her write-in candidacy with the Secretary of State, or no votes shall be counted for him or her.

SEC. 26. Section 6950 of the Elections Code is amended to read:

6950. Within three days of receiving the names of delegate candidates from the chairpersons of the steering committees the Secretary of State shall transmit to each elections official a certified list, for each congressional district wholly or partially within that county, containing the names of the delegate candidates selected and pledged to each candidate or uncommitted delegation who is entitled to be voted for on the ballot at the presidential primary.

The certified list shall be in substantially the following form:

Certified List of Delegate Candidates
In the ____ Congressional District

To the County Elections Official of ____ County:

I, ____, Secretary of State, do hereby certify that the following persons, listed beneath the name of the presidential candidate or uncommitted delegation they are pledged to, are the delegate candidates who will represent the voters of this congressional

district at the ____ Democratic National Convention to the extent,
based on his or her proportional share of the total votes for
president in this district, that each presidential candidate or
uncommitted delegation is entitled to delegates from this district.

List of Delegates Pledged to Presidential
Candidates and Uncommitted Delegations
In the ____ Congressional District

Delegates Pledged to	Delegates Pledged to
Rosalyn Lever	Janice Atkinson
Deborah Seiler	John Mott-Smith
Elaine Ginnold	Rosa Garcia-Viteri
George Mann	Bruce Bolinger
Darren Chesin	Mary DeLost
Delegates Pledged to	Delegates Pledged to
Christopher Zirkle	Unpledged Delegation,
	James Ashford, Chairperson
Mark Terry	Abra Reynaga
Romulo Lopez	Sylvia Cheng
Linda M. Gonzalez	Michael Ognisty
Joe Ayala	Bill Pitts
Lori Joseph	Lynne Chinn

Dated at Sacramento, California, this _____ day of
_____, 20__.

(SEAL)

Secretary of State

SEC. 27. Section 7110 is added to the Elections Code, to read:
7110. (a) Notwithstanding Section 8148, if the Democratic
National Convention will conclude after the deadline for the
Secretary of State to deliver certificates of nomination to local
elections officials pursuant to Section 8148, the Chairperson of
the Democratic State Central Committee shall do one of the
following:

(1) Notify the Secretary of State of the apparent nomination of
the Democratic candidates for President and Vice President of
the United States not less than 78 days prior to the election, if all
of the following conditions apply:

1 (A) A candidate for President has attained a sufficient number
2 of delegate votes to assure his or her nomination at the Democratic
3 National Convention.

4 (B) The candidate described in subparagraph (A) has identified
5 a person who will be nominated to run for the office of Vice
6 President.

7 (C) The Democratic National Convention is likely to nominate
8 the person who is the choice of the candidate for President in the
9 Vice Presidential nomination.

10 (2) Notify the Secretary of State of the apparent nomination of
11 the Democratic candidates for President and Vice President of
12 the United States as soon as each of these apparent nominations
13 become known but not less than 61 days prior to the election, if
14 all of the following conditions apply:

15 (A) A candidate for President has attained a sufficient number
16 of delegate votes to assure his or her nomination at the Democratic
17 National Convention.

18 (B) The candidate described in subparagraph (A) has identified
19 a person who will be nominated to run for the office of Vice
20 President.

21 (C) The Democratic National Convention is likely to nominate
22 the person who is the choice of the candidate for President in the
23 Vice Presidential nomination.

24 (b) The Secretary of State shall prepare the certificates of
25 nomination required in Section 8148 to include the names of the
26 Democratic candidates for President and Vice President as notified
27 by the Chairperson of the Democratic State Central Committee.

28 (c) This section shall remain in effect only until January 1, 2013,
29 and as of that date is repealed, unless a later enacted statute, that
30 is enacted before January 1, 2013, deletes or extends that date.